

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

NIKHIL BHAGAT (CABN 279892)
MICHAEL MAFFEI (CABN 240978)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7193
FAX: (415) 436-6982
nikhil.bhagat@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGARDO DUARTE,

Defendant.

No. CR 14-296 JST

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING DEADLINE FOR FILING OF
MOTIONS *IN LIMINE***

Pretrial Conference Date: January 20, 2017

Before: Hon. Jon. S. Tigar

This case is presently set for a pretrial conference on January 20, 2017 and for jury trial on March 6, 2017. The Court's Standing Order for All Criminal Cases and Local Criminal Rule 17.1-1 set forth certain deadlines associated with the pretrial conference date. Specifically, in light of the pretrial conference date, the local rules require the submission of a pretrial conference statement by January 13, 2017. The Court's standing order requires the submission of the parties' proposed *voir dire* questions and jury instructions by January 13, 2017 and the submission of motions *in limine* by this Friday, January 6, 2017.

Counsel for the Defendant has advised counsel for the Government that she is nearly positive that Mr. Duarte will elect to forego his right to a jury trial and instead plead guilty in this case.

STIP. AND ORDER TO EXT. MOT. DEADLINE
CR 14 296 JST

1 However, Mr. Duarte is in pretrial detention and his counsel does not anticipate being able to visit him
 2 and confirm this wish until at least Friday, January 6, 2017. In the event Mr. Duarte confirms he wishes
 3 to plead guilty, the parties intend to immediately file a stipulation asking the Court to vacate the trial
 4 date and instead set the matter for a change of plea at the time presently set for the pretrial conference.

5 In light of the foregoing, and in the interests of judicial economy and conservation of
 6 government resources, the United States hereby requests that the Court extend the deadline for the filing
 7 of motions *in limine* from January 6, 2017, to January 11, 2017, and the deadline for any responses
 8 thereto to January 17, 2017. Counsel for the Defendant, Linda Fullerton, concurs in this request.

9 Respectfully submitted this **4th** day of January, 2017.

10 BRIAN J. STRETCH
 11 United States Attorney

12 /s/
 13 NIKHIL BHAGAT
 Assistant United States Attorney


12 /s/
 LINDA ANN FULLERTON
 Attorney for Edgardo Duarte

16 **~~[PROPOSED]~~ ORDER**

17 In the interests of judicial economy, and for good cause shown, the deadline for the filing of
 18 motions *in limine* in the above-captioned cause is hereby extended through and including January 11,
 19 2017. If a party wishes to file a written response to a motion *in limine*, any such response must be filed
 20 by January 17, 2017.

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: January 5, 2017

25 
 26 THE HONORABLE JON S. TIGAR
 27 United States District Judge
 28